



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in STRONG SUPPORT of Senate Bill 1113, SD 2, HD 1
RELATING TO BACKGROUND CHECKS

REPRESENTATIVE MARK M. NAKASHIMA, CHAIR
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Hearing Date: Tuesday, March 24, 2015

Room Number: 309

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) is in **strong support** of SB 1113,
3 SD 2, HD 1, which is part of the Governor's Package.

4 This bill seeks to expand the authority of the department to conduct background checks to
5 include criminal history records checks and non-criminal registries checks such as adult
6 protective services, child abuse and neglect, and certified nurse aide registry. Currently, the
7 department has the authority only to conduct criminal records checks.

8 This broader authority will be exercised on persons applying for or currently holding a
9 license or certificate to operate a health care facility, seeking employment with a health care
10 facility in a position that necessitates non-witnessed direct contact with patients, seeking or
11 holding employment with the department in a position that provides non-witnessed direct mental
12 health or health care to DOH clients, or for contractors or subcontractors with the department or
13 with a private or public licensed health care facility who work or have employees who work in
14 similar positions.

1 The intent is to provide greater protection for the public when they seek health care
2 services at licensed or certified health care facilities or through the department.

3 HD 1 made no substantive amendments to the earlier version of this bill. As a result, the
4 department remains in strong support of this measure and thanks you for the opportunity to
5 testify.



HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 24, 2015
9:45 a.m.
Conference Room 309

To: The Hon. Mark M. Nakashima, Chair
and Members of the House Committee on Labor & Public Employment

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: S.B. No. 1113, S.D.2, H.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

S.B. No. 1113, S.D.2, H.D.1, if enacted, expand the authority of the Department of Health to conduct background checks for persons seeking employment with the State or its contractors where the work involves direct client care, and applicants and operators of health care facilities. The measure is intended to provide protection for vulnerable patients who seek health care services at licensed or certified health care facilities.

The HCRC has not opposed narrowly drawn statutory exceptions sought for positions that involve unsupervised contact with vulnerable persons as patients, clients, customers, or students, but has opposed creation of overly broad exceptions and the creation of a “slippery slope” where exceptions render the rule meaningless.

The HCRC does not oppose S.B. No. 1113, S.D.2, H.D.1.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 24, 2015

The Honorable Mark Nakashima, Chair
House Committee on Labor and Public Employment
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Nakashima and Members of the Committee:

SUBJECT: SB 1113 SD2 HD1 – Relating to Background Checks

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 1113 SD2 HD1**. The bill expands the scope of background checks conducted by the Department of Health (DOH) on operators, employees, applicants, and volunteers in health care facilities and other persons providing health care on behalf of DOH to include criminal history record checks, sex offender registry record checks, adult abuse perpetrator and child abuse and neglect record checks, and certified nurse aide registry record checks.

People with DD, as well as children and the elderly population, are considered vulnerable to potential abuse, neglect, and mistreatment by family members, caregivers, and others who have direct access to them. This measure is intended to ensure the reputable and responsible character of owners, operators, direct caregivers and persons with direct access to patients, individuals with intellectual and developmental disabilities (I/DD), or residents in State-licensed health care facilities, certified homes, and of DOH employees, contractors, and subcontractors who have direct access to the Department's patients, individuals with I/DD, or clients in public health or behavioral health settings.

The Council appreciates the Legislature's initiative to expand protection to Hawaii's most vulnerable population through this bill.

Thank you for the opportunity to submit testimony **in support of SB 1113 SD2 HD1**.

Sincerely,

A handwritten signature in black ink, appearing to read "Waynette K.Y. Cabral".

Waynette K.Y. Cabral, M.S.W.
Executive Administrator

A handwritten signature in black ink, appearing to read "Rosie Rowe".

Rosie Rowe
Chair

HAWAII INTERPRETER ACTION NETWORK

P.O. Box 236024
Honolulu, Hawaii 96823-3519

hawaii.interpreters@gmail.com

To: Rep. Mark M. Nakashima, Chair; Rep. Jarrett Keohokalole, Vice Chair
All members, House Committee on Labor & Public Employment

FROM: M. Alohalani Boido, M. A., Hawaii Judiciary Certified Court Interpreter;
Chair, Legislative Action Committee, Hawaii Interpreter Action Network
Affiliate, Pacific Media Workers Guild, Local 39521

HEARING: Mar. 24, 2015; 9:45 a.m., CR 309

RE: **SUPPORT with an amendment, SB 1113 SD 2 HB 1**
Relating to background checks

Chair, Vice-chair, and all members of this Committee, thank you for hearing this bill. I am Marcella Alohalani Boido, a founding member of Hawaii Interpreter Action Network (HIAN), an affiliate of the Pacific Media Workers Guild, Local 39521. We represent the interests of Hawaii's professional interpreters and translators. We are deeply concerned with issues related to language access, such as appropriate standards for interpreters. Hawaii needs appropriate, state-approved credentials for healthcare/medical interpreters.

We suggest that this bill be amended to include all interpreters who provide their services in the facilities and situations covered by this bill. By interpreters, we mean anyone who translates meaning from one language to another, whether orally or by sign language.

Interpreters are in a unique situation. While we can be observed, unless the person observing us is bilingual in the language combination being used by the interpreter, no one other than the interpreter and the Limited-English Proficient person actually knows what is being said. This can be an open door to problems. Having confidence in the integrity of interpreters is essential to providing healthcare.

We strongly support this bill, with this amendment.

Thank you.

Chair: Mark M. Nakashima
Vice Chair: Jarrett Keohokaole
House Committee on Labor & Public Employment

Māhealani Yamaguchi
Myron B. Thompson School of Social Work at the University of Hawai‘i at Mānoa
taniay@hawaii.edu

Tuesday, March 24, 2015

Support for SB1113 SD2 HD1, Relating to Background Checks,

The bill that I strongly stand behind is Senate Bill 1113, Relating to Background Checks. This is my first time testifying and I find interest into this bill because it helps keep the health environment safe. Background checks are wanted from Employees, Prospective Employees, Applicants, or Operators of Healthcare Facilities and the State Department of Health.

I think that this bill is important to conduct and expand background checks to keep our citizens safe. It is important for the health department to make sure that their patients are being treated from the proper and suitable assistance. I have five nephews and three nieces. As an Aunt I feel that they should receive the care from a person without a criminal background. The trust that I give into a caretaker will be more significant if I know that there is no criminal history, especially one of child abuse and neglect.

The State Department of Health should invest their trust into their employees with a clean background check because we, the people of Hawai‘i put our trust into certified employees to care for our loved ones. This is my testimony to urge to pass Senate Bill Number 1113. Mahalo nui for your time.

Mark Nakashima, Chair
Jarrett Keohokalole, Vice Chair
House Committee on Labor and Public Employment

Kainalu Mercado-Spalding
Myron B. Thompson School of Social Work at UH Manoa
jw30@hawaii.edu

March 24, 2015

Support for S.B. No. 1113, Relating to Background Checks

My name is Kainalu Mercado-Spalding and this is my first time testifying. I am here in support of Senate Bill 1113, Relating to Background Checks. The purpose of this bill is to expand the authority of the Department of Health in conducting background checks of employees, volunteers, applicants, and operators in the healthcare field.

With the needs and demands of those who are critically ill or incapacitated, it is important that caretakers and service providers in the health field are capable and following reasonable principles of ethics. We cannot put our full trust in those who we expect to be upholders of professional care with our children, our parents and grandparents, and our loved ones; when their history of work and ethics are questionable. This is just as necessary as turning in a resume to show your qualifications for a job.

Speaking from personal experience, I know what is like to have a terminally ill family member with disabilities. For these loved ones, we want to provide the best protection and care we can. We should protect our vulnerable family members for possible neglect and abuse. Thank you for giving me the opportunity to testify in support of S.B. No. 1113.